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INCOMING TELEGRAM

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Action

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FROM: MOSCOW

DEPARTMENT OF STATE A/CDC/MR

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TO: Secretary of State

REVIEWED BY DB/ky/lu DATE 12/1/62JP
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NO: 959, OCTOBER 14, 3 PM

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FOLLOWING IS TEXT MFA DTE NO 51/USA, OF COTOBER 14, RECEIVED BY MESSENGER TODAY.

BEGIN TEXT. MFA OF USSR, IN CONNECTION WITH NOTE NO. 304 OF OCTOBER 6, 1962, OF EMBASSY OF USA, HAS HONOR TO STATE FOLLOWING.

AS IS CLEAR FROM NOTE OF EMBASSY, GOVERNMENT USA HAS NOT TAKEN ANY MEASURES UP TO NOW TO FREE CARGO OF SOVIET SUGAR FROM ILLEGAL SEIZURE.

IN NOTE OF MFA OF USSR OF SEPTEMBER 22, 1962, ATTENTION OF AMERICAN SIDE ALREADY DRAWN TO FACT THAT SEIZURE OF CARGO OF SUGAR BELONGING TO SOVIET FOREIGN TRADE ORGANIZATION BY JUDICIAL AUTHORITIES OF PUERTO RICO CONSTITUTED AN ACT OF UNDISGUISED ARBITRARINESS. ILLEGALITY OF ACTIONS OF JUDICIAL AUTHORITIES IS EVEN MORE APPARENT FROM FACT, AS IS RECOGNIZED IN EMBASSY'S NOTE, THAT SEIZURE OF SOVIET CARGO WAS UNDERTAKEN TO ENSURE FULFILLMENT OF A US COURT DECISION CONCERNING ALLEGED CLAIMS OF A PRIVATE COMPANY ON GOVERNMENT OF A THIRD STATE. THE REFERENCE CONTAINED IN NOTE TO INDEPENDENCE OF COURTS IN USAL FROM EXECUTIVE CANNOT IN ANY WAY SERVE AS JUSTIFICATION FOR ARBITRARINESS OF JUDICIAL AUTHORITIES. SUCH A POSITION TAKEN BY AMERICAN SIDE CANNOT BE ASSESSED AS OTHER THAN ATTEMPT IN FACT TO ENCOURAGE ILLEGAL ACTIONS BY MENTIONED JUDICIAL AUTHORITIES.

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-2- 959, OCTOBER 14, 3 PM, FROM MOSCOW

SOVIET GOVERNMENT REAFFIRMS ITS VIGOROUS PROTEST AGAINST
ILLEGAL SEIZURE OF CARGO OF SOVIET SUGAR AND DEMANDS IMMEDIATE
LIFTING OF THE SEIZURE, INDEMNIFICATION FOR THE RESULTING
DAMAGE AND ADOPTION OF MEASURES DIRECTED TOWARD BARRING
SIMILAR ACTIONS IN FUTURE.

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